

Remarks

A. Introduction

Claims 1-9, 12-22, and 25 are now pending in the application, with previously non-elected claims 10-11 and 23-24 having been cancelled and claim 25 having been added. The Examiner finally rejected the previously-pending claims, contending as to most that combined disclosures of U.S. Patent Nos. 3,506,489 to Baker and 3,045,829 to Rule, et al., together with supposed admissions of Applicant as to prior art, render the claims obvious under 35 U.S.C. § 103(a). Applicant disagrees.

B. The Baker Patent

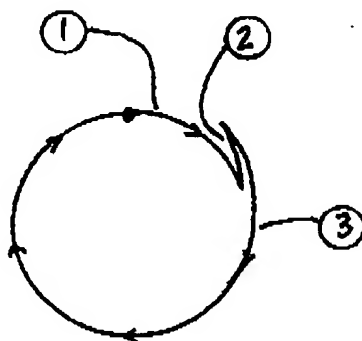
Independent claims 1 and 12 clearly reference that the 180° and part-circle arcs cleaned by the second rotatable head in the bottom of a swimming pool are not merely portions of a circular (360°) arc. The Examiner ignores Applicant's argument that the Baker patent neither teaches nor suggests such cleaning, calling the argument "moot as shown in the Office [A]ction mailed January 7, 2004" in a parent application. The Examiner's "mootness" position stems from his allegation in January 2004 that the Baker patent "contemplates use of cleaning heads which rotate less than 360° (col. 10, lns. 49-52 of Baker)."

The Examiner's allegation is *false*. Reprinted in their entirety, lines 49-52 of column 10 of the Baker patent recite:

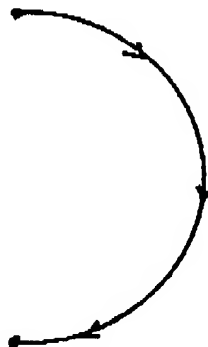
Furthermore, it is not essential that the water jets be sent *step by step* through a full 360° at each jet position. For example, *stepping back and forth within a segment of a full circle*, would be possible.

This text does *not* describe less than 360° rotation of the jets; instead, it merely indicates that discontinuities of direction may occur during each 360° rotation.

Stated differently, the quoted portion of the Baker patent identifies this sort of rotation scheme (assuming for convenience a clockwise rotation):



Thus, even though directional changes may transpire at the beginning and end of segment ②, *rotation of the water jets throughout full 360° necessarily occurs* in the system of the Baker patent. This result undeniably differs from that of independent claims 1 and 12, in which specified cleaning heads rotate in *only an approximately 180° or a part-circle arc*:



Because the Baker patent clearly does *not* teach or suggest less than 360° rotation of jets (or heads), no reason exists for combining its disclosure with that of the Rule patent. Accordingly, Applicant believes the Examiner has failed to establish even a *prima facie* basis for rejecting any claim of the application. Applicant hence reiterates his request that the Examiner's rejections be withdrawn.

Conclusion

Applicant requests that the Examiner allow claims 1-9, 12-22, and 25 and that a patent containing these claims issue in due course.

Respectfully submitted,



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